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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,005	01/16/2001	Sung-Won Lee	678-595 (P9710)	6052

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EXAMINER	
EUGENE, WANDA	

ART UNIT	PAPER NUMBER
2666	6

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/761,005	LEE, SUNG-WON	
	Examiner	Art Unit	
	Wanda Eugene	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 January 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) *17-35* is/are allowed.

6)☐ Claim(s) *1,2,4,8 and 9* is/are rejected.

7)☐ Claim(s) *3,5-7 and 10-16* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 January 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

1. Figures 1-5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Regarding claim 1, the applicant discloses a channel assigning method in a mobile communication system, comprising the steps of: generating a channel assignment message including a start time for channel assignment (**mobile stations waits for a start time is set** lines 24-25 pg 2), a duration of the channel assignment (**having a duration time** line 19 pg 2), and a sequence number for message identification (**code #** fig 3); and transmitting the channel assignment message to a mobile station on an existing traffic channel (**traffic is being transmitted on the existing radio traffic channel** lines 21-22 pg 2).

Regarding claim 2, the applicant discloses a step of deleting a previous channel assignment message (**mobile station discard previous SCAM in step 226** lines 18-19 pg 3).

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> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1,2, 4, 8 and 9 rejected under 35 U.S.C. 102(a) as being anticipated by admitted prior art.

Regarding claim 1, the applicant discloses a channel assigning method in a mobile communication system, comprising the steps of: generating a channel assignment message including a start time for channel assignment (**mobile stations waits for a start time is set** lines 24-25 pg 2), a duration of the channel assignment (**having a duration time** line 19 pg 2), and a sequence number for message identification (**code #** fig 3); and transmitting the channel assignment message to a mobile station on an existing traffic channel (**traffic is being transmitted on the existing radio traffic channel** lines 21-22 pg 2).

Regarding claim 2, the applicant discloses a step of deleting a previous channel assignment message (**mobile station discard previous SCAM in step 226** lines 18-19 pg 3).

Regarding claim 4, the applicant discloses a step of updating a previous channel assignment message (**if condition B is satisfied the received SCAM is in effect in step 24** lines 7-12 pg 3).

Regarding claim 8 the applicant discloses the channel assignment message as a supplemental channel assignment message (**a high rate radio traffic channel to transmit data or a supplemental channel assignment message from a base station** lines 10-17 page 2).

Regarding claim 9, the applicant discloses a scheduling table making method comprising of the steps of receiving a plurality of channel assignment messages successively from a base station (**receipt of supplemental channel assignment message from a base station lines** 15-16 pg 2) on an existing traffic channel (**traffic is being transmitted on the existing radio traffic channel** lines 21-22 pg 2), each of the channel assignment messages having the fields of a start time (**mobile stations waits for a start time is set** lines 24-25 pg 2), a duration (**having a duration time that has not expired** line 19 pg 2), a sequence number for message identification (**code#** fig 4), and a channel identifier for channel identification (**channel identifier** line 20 pg 2); and storing the received channel assignment message in a memory according to the start time, durations , and a sequence numbers of the channels assignment messages (**one SCAM is stored in one time period** lines 29-30 pg 3; fig 4), so that data communication is conducted on channels assigned by the channel assignment messages.

Allowable Subject Matter

4. Claims 17-35 allowed.

The following is an examiners statement of reasons for allowance:

The record of the prior art of does not teach conducting data communication on a channel corresponding to the channel identifier of a first read channel assignment message for a period between the start time and the end of the duration set in the read channel assignment message and then on a channel corresponding to the channel identifier of a next read channel assignment message for a period between the start time and the end of the duration set in the next channel assignment message, the start time of the next channel assignment message being set to or, after the end of the data communication according to the first read channel assignment message in combination with all other limitations of applicants claim **17**.

The record of the prior art further does not teach a controller for storing the received channel assignment message in the scheduling table of the memory according to the durations and sequence numbers of the channel assignment messages, sequentially reading the stored channel assignment messages, and assigning channels based on the channel identifiers of the read channel assignment messages, for data communication in combination with all other limitations of applicants claim **27**.

Note that the other limitations of claims 17 and 27 were found in the prior art. Claims 18-26 and 28-35 are allowed because they are dependent upon claims 17 and 27 respectively. This does not imply, however, that these claims alone present novelty.

5. Claims 3, 5-7 and10-16 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Honkasalo et al. (U.S. 2003/0210674), Method for scheduling packet data transmission.

b. Soe et al. (U.S. 6,469,993), Method for controlling traffic load in mobile communication system.

c. Kim et al. (U.S. 6,438,119), Data communication device and method for mobile communication system with dedicated control channel.

d. Hamalainen et al. (U.S. 6,167,248), Data transmission in a radiotelephone network.

e. Cho et al. (U.S. 6,636,496), Packet data communication device and method in a mobile communication system.

f. Rezaiifar et al. (U.S. 6,618, 375), Radio ling protocol frame-sorting mechanism for dynamics capacity wireless data channels.

g. Gray et al. (U.S. 6,473,419), State apparatus, and associated methods for controlling packet data communications in a radio communication system.

h. Koo et al. (U.S. 6,504,832), Channel assigning device and method using quasi-orthogonal code in a CDMA communication system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wanda Eugene whose telephone number is 703-305-8978. The examiner can normally be reached on M-F 7am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q Ngo can be reached on 703-305-4798. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-3900.

we

RICKY NGO
PRIMARY EXAMINER